

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARIO R. RODAS PORTILLO,

Plaintiff,

v.

CITY OF SHAFTER, et al.,

Defendants.

No. 1:23-cv-00920 JLT BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 33)

Mario R. Rodas Portillo, a former county jail inmate and former state prisoner, proceeds pro se and in forma pauperis in this this civil rights action. On January 15, 2025, the magistrate judge screened Plaintiff's second amended complaint and granted him 30 days from service to either (1) file a third amended complaint; or (2) notify the Court that he was willing to proceed only on his cognizable claim for excessive force. (Doc. 28.) The Court attempted to serve Plaintiff with the screening order at a series of addresses, but each time the order was returned as undeliverable. (*See generally* Docket.)

On June 20, 2025, the magistrate judge issued Findings and Recommendations that recommended this action be dismissed, without prejudice, based on Plaintiff's failure to prosecute this action. Specifically, the magistrate judge determined that Plaintiff had failed to submit an effective change of address or otherwise update the Court in compliance with Local Rule 183(b). (Doc. 33 at 2.) The magistrate judge noted that Plaintiff "last communicated with the Court in

1 March 2024, (Doc. 24), and mail directed to him ha[d] been returned as undeliverable beginning
2 in January 2025, and continuing through May 2025.” (*Id.*)

3 The Court served the Findings and Recommendations on Plaintiff and notified him that
4 any objections were due within fourteen (14) days. (Doc. 33 at 3.) The Court also informed
5 Plaintiff that “the failure to file objections within the specified time may result in the waiver of
6 the ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.* at 4, quoting *Wilkerson*
7 *v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) The Findings and Recommendations served on
8 Plaintiff were returned as “Undeliverable, Return to Sender, Not Deliverable as Addressed,
9 Unable to Forward” on July 7, 2025. (*See* Docket.) No objections have been filed, and the time in
10 which to do so has passed.

11 According to 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the
12 case. Having carefully reviewed the entire file, the Court finds that the Findings and
13 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 14 1. The Findings and Recommendations issued on June 20, 2025 (Doc. 33) are
15 **ADOPTED**.
- 16 2. This action is **DISMISSED** without prejudice.
- 17 3. The Clerk of the Court is directed to close this case.

18
19 IT IS SO ORDERED.

20 Dated: **July 10, 2025**


UNITED STATES DISTRICT JUDGE